

Filed

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

Clerk, U. S. District Court  
Western District of Texas

By

Deputy

UNITED STATES OF AMERICA

§

§

v.

§

No. 1:11-CR-360-SS

§

ECF

§

EDWARD ZUNIGA (17)

**UNITED STATES' FACTUAL BASIS AT REARRAIGNMENT**

The United States of America files the government's factual summary for purposes of the Defendant's arraignment and guilty plea.

If this case were called to trial on the merits, the government is prepared to prove the following beyond a reasonable doubt:

Between February 1, 2011, and July 14, 2011, Edward Zuniga conspired with Ruben Flores, Michael Morin, Patrick Cruz, Daniel Gonzales, Ernest Lopez, Nickolas Estrada, Michael Martinez, Domingo Mendieta, Arnulfo Perez-Torres, Juan Manuel Pierce, David Romo, Luis Salazar, David Samarripa, David Torres, Jose Placencia, and others to possess with intent to distribute one kilogram or more of heroin. Zuniga was a member of the drug trafficking organization headed by Texas Mexican Mafia (TMM) Captain Ruben Flores.

During the course of the conspiracy, FBI officers were involved in wire intercepts targeting various members of the Flores drug trafficking organization. Zuniga was intercepted discussing the distribution of heroin with different members of the conspiracy. Specifically, on March 29, 2011, Zuniga agreed to bring two ounces of heroin to co-conspirator David Torres. Zuniga agreed to go to his stash location, pick up the heroin, and deliver it to Torres.

On March 31, 2011, Torres and Zuniga discussed the possibility that police officers may

have obtained information on the TMM organization and that everyone would have to discard their cellular telephones in order to prevent the police from uncovering evidence of the conspirators criminal activities.

On May 18, 2011, Zuniga and co-conspirator Michael Morin discussed a heroin transaction. Morin asked Zuniga to obtain one ounce of heroin from the stash location and to bring it to Morin. Zuniga confirmed that he would bring the heroin to Morin later that night.

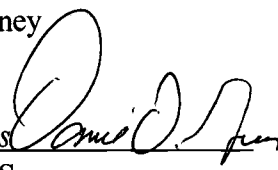
On July 2, 2011, at 12:58 p.m., Morin and Zuniga were intercepted in a telephone conversation. Morin asked, "Can you give me a quarter of that stuff to give it to Sonny (Nickolas Estrada) for 375?" Zuniga asked, "Do you need it today or tomorrow?" Morin said, "Tomorrow." Zuniga said, "I will cut it and have it for you tomorrow." Affiant believes that, based on the price, they were discussing a quarter ounce of heroin. Zuniga was going to put in some additives ("cut it") and have the heroin packaged for Morin.

During the execution of the search and arrest warrants in this case, officers seized approximately one kilogram of heroin from the home of Ruben Flores. This heroin was to be distributed among Zuniga and other members of the conspiracy so that they could sell it to different customers. Agents seized approximately one ounce of a mixture and substance containing a detectable amount of cocaine from Zuniga's residence following his arrest. Officers also seized a pistol from the residence. This pistol belonged to Zuniga.

Based on his participation in the drug trafficking organization, Edward Zuniga admits that he is responsible for possessing with intent to distribute at least one kilogram of heroin as alleged in the indictment.

Respectfully submitted,

JOHN E. MURPHY  
United States Attorney

/s Daniel D. Guess 

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CERTIFICATE OF SERVICE

I hereby certify that on <sup>September 7</sup> ~~August 29~~, 2011, a true and correct copy of this instrument was filed with the District Clerk via the WDTX CM/ECF system, and the Defendant's attorney of record, Tamara Needles, will have access to it.

/s Daniel D. Guess 

DANIEL D. GUESS  
Assistant United States Attorney